

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/92400/E
Site Address:	17, Grosvenor Road, Batley, WF17 0LN
Description:	Erection of single storey side and rear extensions (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Oct-2023

Officer Report

Reference No. 2023/62/92400/E

Site Address: 17, Grosvenor Road, Batley, WF17 0LN

Proposal: Erection of single storey side and rear extensions (within a Conservation Area).

Site Description

The application relates to 17 Grosvenor Road, a two storey semi-detached property situated in Batley. The dwelling is faced in natural stone and incorporates a dual pitched roof finished in slate. The property benefits from off road parking to the front and garden areas to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. Whilst the site is located within the Upper Batley Conservation Area, there are no listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant seeks planning permission for the erection of a single storey side and rear extension. The existing outbuilding and adjoining timber sheds will be removed to allow for the proposed works. Permission is not required for the internal alterations to the property and therefore, the only matter for consideration is the proposed extension. The proposed single storey side and rear extension would project approximately 2.4m from the existing side elevation and approx. 3.3m from the rear elevation of the original dwellinghouse. The enlargement would have a maximum height of approx. 4.5m and an eaves height of approx. 3.43m.

Relevant Planning History

Not Applicable.

Representations

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 3rd October 2023. As a result of the above publicity, two representations have been received. A summary of the neighbour's comments can be found below:

- By having this extension visible from the road, it will spoil the character of the street and the house itself.
- There are very few places left in this area of a true representation of a Victorian suburban neighbourhood and extensions such as these help to chip away at that

- The property is within the Upper Batley conservation area which strives to retain the original character of the area. This proposed extension being a wraparound will not meet this requirement.
- The proposed rear extension is shown as being built up to the boundary line to no19 taking no account of the existing dividing fence.
- The properties also have a basement level to the rear which will result in a deep foundation being required which will cause potential collapse of the rear yard to No19 and the retaining wall to the boundary of No15.
- The proposed rear extension projects 3.3m from the rear elevation and the ridge height is 4.5m, both dimensions exceed the guidelines of the House Extensions and Alterations SPD being 3.0 and 4.0m respectively.
- The proposed extension being built close to the boundary of No19 will also cause a rainwater discharge problem as no external gutter will be fitted as it would project over the boundary line.
- The new foundation to the boundary of No19 will also project over the boundary line with the projection from the wall. Once again, the House Extensions and Alterations SPD states that a minimum of 1.0m should be maintained from the boundary.
- The final objection is the overshadowing caused to the rear elevation lounge window of No19. With the larger projection from the rear wall of 3.3m and the raised eaves height of 3.6m being so close to the boundary extensively fouls the 45 degree splayed line. This together with the orientation of the properties will cause a substantial loss of light whilst also creating an overbearing feeling to the garden area and lounge room.
- The 3.6m eaves to the boundary of No15 will also cause an extreme overbearing feeling as the external ground level is stepped down, with No17 being some 750mm higher thus exaggerating the height of the extension to 4.4m high within 800mm of the boundary line which will affect the 2nd windows to side elevation of No15 which at present are shaded by the existing dwelling

Consultation Responses

KC Conservation and Design

KC Conservation and Design were informally consulted on the proposed scheme and raised no objections to the revised plans.

Policy

Policy Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map and is situated within the Upper Batley Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 35** - Historic Environment

Supplementary Planning Guidance / Documents:

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council

will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

The application site is also located within the Upper Batley Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity and Historic Environment

Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 130 of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Single Storey Side and Rear Extension

The extension proposed would project approx. 2.4m from the existing side elevation and approx. 3.3m from the rear elevation of the original dwellinghouse. The enlargement would be faced in natural stonework and would incorporate a dual/mono-pitched roof finished in slate grey coloured

tiles. However, notwithstanding the submitted details, a condition has been added requiring the materials to match the appearance of the original build. Although the rear extension would exceed the required 2.5m eaves height, 4m overall height and 3m projection outlined within the SPD, it would appear subservient in relation to the original build and would maintain a sense of space within the plot.

Furthermore, the side element of the extension would be modestly proportioned and would retain a distance of approximately 20m to the pavement which would reduce its prominence from public vantage points. On this basis, the proposed development would not have any significant visual impact on the character and appearance of the host property and wider street scene.

External Steps

The plans confirm that steps would be installed to the rear of the proposed extension which would facilitate access due to changes in ground level. The steps would measure approx. 0.98m above ground level. Due to their siting, the proposed development would have limited visibility from public vantage points and would not result in any visual harm to the character and appearance of the host property and surrounding area.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

Historic Environment

LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 197 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- b) the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

The application site is located within the Upper Batley Conservation Area. As such, KC Conservation and Design were informally consulted on the proposed scheme. The proposed single storey side and rear extension would be visually acceptable with regard to its scale, siting and design. Furthermore, the proposal would be set back from the conservation area and is not considered to harm its heritage significance.

Summary

It is therefore considered that the proposed development would not cause any detrimental harm to the significance of the Upper Batley Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The rear element of the proposals would not comply with the SPD due to its height and projection, however this is considered to be justified for the reasons set out below.

Impact on 2 Grosvenor Road

2 Grosvenor Road is a two storey semi-detached property located north-east of the application site. The proposed single storey extension would occupy a position approximately 41m from the neighbouring property. Given that the separation distance retained would be substantial, it is considered

that the enlargement would not result in any further harm to the neighbour's residential amenity over the current situation.

Impact on 19 Grosvenor Road

19 Grosvenor Road is the residential property that adjoins to north-western elevation of the host dwelling. The proposed single storey side and rear extension would be positioned in close proximity to the common boundary shared with no.19, however it is noted that the alignment of the boundary is such that the south west corner of the rear extension would be set in slightly. Officers consider that this would mitigate the additional 0.3m that the extension projects beyond 3m. Furthermore, in relation to the height, whilst the eaves height exceeds that set out within the SPD, the pitched roof would alleviate the impact of this somewhat. The structure is single storey in height, orientated south-east and would be partially screened by the existing boundary treatment.

Due to its single storey nature and the limited projection, it is considered that there would be no significant harm with regard to loss of light and overshadowing. For these reasons, it is considered that any impact would be minimal and would not be so significant to warrant a refusal.

Impact on 15 Grosvenor Road

15 Grosvenor Road is a two storey semi-detached property located south-east of the application site. Although the proposed single storey extension would be positioned approximately 0.81m from the common boundary shared with the neighbouring property, it would accord with the 45 degree rule in relation to the neighbours front and rear fenestration and would be acceptable in this regard. Furthermore, it is noted that the neighbouring property contains several windows on the side elevation. Although the separation distance between the properties would be reduced as a result of the proposed development, given the existing close relationship, it is considered that there would be no further harm to the neighbour's residential amenity with regards to overbearing, overlooking and overshadowing impact.

Impact on 16 Stockwell Drive

16 Stockwell Drive is a two storey detached property located south-west of the application site. The submitted plans confirm that the proposed single storey extension would have no significant impacts on the neighbour's residential amenity given that it would occupy a position approximately 30.5m from the rear elevation of the neighbouring property.

Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

The proposal would intensify the domestic use at the dwelling and would reduce the size of the existing driveway. However, the submitted site plan demonstrates that three off street parking spaces would be retained which is considered to represent a sufficient provision for a five bedroomed dwellinghouse. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters relevant to the determination of this application.

5. Representations

Two representations have been received following the statutory publicity. The material considerations raised are summarised below:

- By having this extension visible from the road, it will spoil the character of the street and the house itself.

Response: The proposals impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.

- There are very few places left in this area of a true representation of a Victorian suburban neighbourhood and extensions such as these help to chip away at that.

Response: The proposals impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' section of the report.

- The property is within the Upper Batley conservation area which strives to retain the original character of the area. This proposed extension being a wraparound will not meet this requirement.

Response: The proposals impact on the character and appearance of the Conservation Area has been assessed within the 'Historic Environment' section of the report.

- The proposed rear extension is shown as being built up to the boundary line to no19 taking no account of the existing dividing fence.

Response: This matter would not constitute a material planning consideration.

- The properties also have a basement level to the rear which will result in a deep foundation being required which will cause potential collapse of the rear yard to No19 and the retaining wall to the boundary of No15.

Response: Impacts from construction are not material planning considerations.

- The proposed rear extension projects 3.3m from the rear elevation and the ridge height is 4.5m, both dimensions exceed the guidelines of the House Extensions and Alterations SPD being 3.0 and 4.0m respectively.

Response: The proposals impact on the character and appearance of the street scene has been assessed within the 'Visual Amenity' and 'Residential Amenity' sections of the report. The SPD takes a 'comply' or 'justify' approach and the proposals are considered to be justified in this instance, for the reasons set out with these sections of the report.

- The proposed extension being built close to the boundary of No19 will also cause a rainwater discharge problem as no external gutter will be fitted as it would project over the boundary line.

Response: This matter would not constitute a material planning consideration.

- The new foundation to the boundary of No19 will also project over the boundary line with the projection from the wall. Once again, the House

Extensions and Alterations SPD states that a minimum of 1.0m should be maintained from the boundary.

Response: The proposals potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report. The SPD takes a 'comply' or 'justify' approach and the proposals are considered to be justified in this instance, for the reasons set out with these sections of the report

- The final objection is the overshadowing caused to the rear elevation lounge window of No19. With the larger projection from the rear wall of 3.3m and the raised eaves height of 3.6m being so close to the boundary extensively fouls the 45 degree splayed line. This together with the orientation of the properties will cause a substantial loss of light whilst also creating an overbearing feeling to the garden area and lounge room.

Response: The proposals potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.

- The 3.6m eaves to the boundary of No15 will also cause an extreme overbearing feeling as the external ground level is stepped down, with No17 being some 750mm higher thus exaggerating the height of the extension to 4.4m high within 800mm of the boundary line which will affect the 2no windows to side elevation of No15 which at present are shaded by the existing dwelling

Response: The proposals potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.

6. Negotiations

Amendments were sought during the course of the application. KC Conservation and Design were informally consulted on the proposed scheme and did express that the roof pitch of the single storey side element was too shallow and was not in keeping with the design of the original build. Revised drawings were submitted which were considered acceptable with regard to visual amenity.

7. Conclusion

This application for the erection of a single storey side and rear extension at 17 Grosvenor Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/92400

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted details, the external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Existing Plans and Elevations	S01	-	15/08/2023
Proposed Plans and Elevations	S04	C	15/08/2023

Plan Type	Reference	Revision	Date Received
Work Specification	S03	-	15/08/2023
Heritage Statement	-	-	15/08/2023
Design and Access Statement	-	Original	15/08/2023
Climate Change Statement	-	-	15/08/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable in terms of visual amenity.

Report Dated: 03/10/2023